

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

BRUCE BIRCH,

Plaintiff,

v.

JAMES DZURENDA *et al.*,

Defendants.

Case No. 3:17-cv-00528-MMD-VPC

ORDER

Plaintiff, a *pro se* prisoner, previously filed an application to proceed *in forma pauperis* and submitted a civil rights complaint pursuant to 42 U.S.C. § 1983. (ECF No. 1, 1-1.) The Court screened the complaint and granted Plaintiff leave to amend. (ECF No. 10.)

Plaintiff now files a motion for voluntary dismissal. (ECF No. 15.) Pursuant to Federal Rule of Civil Procedure 41(a)(1), a plaintiff may dismiss an action without a court order by filing “a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment.” Fed. R. Civ. P. 41(a)(1)(A)(i). The Court grants Plaintiff’s motion to voluntarily dismiss this action because no responsive pleading has been filed in this case. As such, the Court dismisses this action without prejudice.

For the foregoing reasons, it is ordered that the motion for voluntary dismissal (ECF No. 15) is granted.

It is further ordered that the outstanding motions (ECF No. 1, 12) are denied as moot.

It is further ordered that this action is dismissed in its entirety without prejudice.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

It is further ordered that the Clerk of the Court enter judgment accordingly.

DATED THIS 20<sup>th</sup> day of February 2018.

A handwritten signature in blue ink, appearing to read 'Miranda M. Du', is written over a horizontal line.

MIRANDA M. DU  
UNITED STATES DISTRICT JUDGE